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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,538	09/15/2003	David Scott Whitby	2680.PRIC.PT	2267
26986 7590 05/31/2007 MORRISS OBRYANT COMPAGNI, P.C. 734 EAST 200 SOUTH SALT LAKE CITY, UT 84102			EXAMINER PARDO, THUY N	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,538

Applicant(s)

WHITBY ET AL.

Examiner

Thuy N. Pardo

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5, 7, 9-18-29, 32, 34, 36-43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) 19-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7, 9-18, 28, 29, 32, 34, 36-43 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's Amendments filed on September 12, 2006 and March 12, 2007 in response to Examiner's Office Actions have been reviewed. Claims 19-27 have been withdrawn, claims 3, 4, 6, 8, 30, 31, 33, 35 and 44 have been canceled, and claims 1, 2, 5, 28, 29, 43 and 45 have been amended. This Office Action is Non-Final.
2. Claims 1, 2, 5, 7, 9-18, 28, 29, 32, 34, 36-43 and 45 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 32 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For instance, claims 7, 32 and 34 depend on claims 6, 31 and 33 respectively which have been canceled. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5, 7, 9-18, 28, 29, 32, 34, 36-43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh US Patent Application Publication No. 2004/0199430 in view of Beriker et al. (Hereinafter "Beriker") US Patent Application No. 2006/0253434.

As to claim 1, Hsieh teaches the invention substantially as claimed, comprising:
entering at least one search term as a keyword ["multilingual character" keyword, fig. 33, 35];

identifying a plurality of web sites to be searched [country A-country Z, fig. 41];
providing a database of commands and protocols for entering a keyword in the plurality of web sites [store A-store F, fig. 43; 0156-0163];

formatting the keyword so that it can be entered into a native search engine at each of the plurality of web sites [fig. 38, 41; 0118; 0149];

entering the formatted keyword and the commands to request a search into the native search engine used at each of the plurality of web sites [vendors, fig. 38, 39; in a native language of the site, ab];

executing a search at a plurality of web sites [constructing search requests for the specified types of information using the site descriptions for each identified site and submitting the constructed search requests to the identified sites, 0045];

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receiving the search results from the native search engines at the plurality of web sites [receiving search results from the identified sites, 0045; 0061; 0158];

parsing the search results to extract information regarding the products or services being search for [0042-0043; 0421; 0423];

storing the parsed search results in the database [0115];

executing these steps at a user-selected interval [0367].

However, Hsieh does not explicitly teach adding to parsed search results stored in the database so as to reflect incremental increases in the parsed search results and transmitting the incremental increases in the parsed search results, to thereby avoid resending all the search results although it has the same functionality of online searching for a plurality of vendor sites over the Internet [see the abstract]. Beriker teaches adding to parsed search results stored in the database so as to reflect incremental increases in the parsed search results [the web spider periodically gathers data from all of the URLs that are linked to search results in the marketplace database, 0095] and transmitting the incremental increases in the parsed search results, to thereby avoid resending all the search results [0095-0099].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the features of Beriker to the system of Hsieh as an essential means to increase the effective service for the existing customers and provide more valuable advertising to search engines users that are potentially interested in the advertiser's content, products and/or services.

As to claim 16, Hsieh and Beriker teach the invention substantially as claimed.

Hsieh further teaches:

a database for storing search criteria [databases. Fig. 2, 11-13], parsing instruction sets and search results [0127; 0133];

a search scheduler and balancer for storing searches requests in a repeatable queue, and for controlling the number of searches being performed at any given time in order to avoid overloading system resources [fig. 36, 38]; and

an XML search document editor for creating XML documents that are used to enter at least one search keyword into a native search engine of the plurality of web sites [fig. 36, 38].

As to claims 28 and 43, all limitations of these claims have been addressed in the analysis of claims 1, 16 and 19 above, and these claims are rejected on that basis.

As to claim 2, Hsieh and Beriker teach the invention substantially as claimed. Beriker further teaches transmitting the search results to an email address to thereby avoid resending all the search results for any of the plurality of web sites [notified via email of the increase in the actual amount charged for a click-through by a consumer, 0070; 0084-0087].

As to claim 5, Hsieh and Beriker teach the invention substantially as claimed. Hsieh further teaches adding a time stamp to each of the parsed search results [4422 of fig. 44].

As to claim 7, Hsieh and Beriker teach the invention substantially as claimed. Hsieh further teaches batching the transmission of incremental increases in the parsed search results to thereby prevent the email address from constantly receiving search results as they are received [fig. 44-45].

As to claim 10, Hsieh teaches the invention substantially as claimed. Hsieh further teaches selecting from a category of web sites that are associated with the product or service to be searched for to thereby eliminate overhead by not having to search all known web sites [0080; 0140; 0152; 0373].

As to claim 11, Hsieh and Beriker teach the invention substantially as claimed. Hsieh further teaches selecting from a geographical region in order to limit overhead by not having to search all known web sites [0386-0388; countries: Norway, Germany, Italy, Canada, Hong Kong, US, fig. 53-54].

As to claim 12, Hsieh and Beriker teach the invention substantially as claimed. Hsieh further teaches selecting a plurality of web sites to search from a list of category and region limited web sites [0080; 0140; 0152; 0373].

As to claim 13, Hsieh and Beriker teach the invention substantially as claimed. Hsieh further teaches generating an XML document, wherein the XML document is

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transmitted to a corresponding one of the plurality of web sites to thereby enter in a keyword into the native search engine [ab; 0185; 0467].

As to claim 14, Hsieh and Beriker teach the invention substantially as claimed. Hsieh further teaches registering a user, wherein the user provides an email address to which search results are to be transmitted [0080; 0373].

As to claim 15, Hsieh and Beriker teach the invention substantially as claimed. Hsieh further teaches providing a plurality of parsing instruction sets that are stored in the database, wherein each of the plurality of parsing instruction sets corresponds to at least one of the plurality of web sites to be searched [0040; 0115-0123].

As to claims 9, 13, 14, 17, 18, 29, 32, 34 and 36-43 and 45, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, 5, 7, 9-18, 28, 29, 32, 34, 36-43 and 45 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo whose telephone number is 571-272-4082.

The examiner can normally be reached on Mon-Thur.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 16, 2007

A handwritten signature in black ink, appearing to be 'Thuy N. Pardo', with a stylized, cursive-like script.

THUY N. PARDO
PRIMARY EXAMINER